

## **Deficiency Progress Report – Update 7**

Status Report Submitted: 7/28/08

**CUPA Name:** Shasta County Environmental Health

**Date of Evaluation:** October 25, 2005

### **State Evaluation Team:**

**Cal/EPA Team Leader:** Tina Gonzales

**OES Evaluator:** Jack Harrah

Based on the corrective action responses, the following deficiencies are considered corrected and no further updates are required: **All deficiencies have been corrected.**

Please update the deficiencies below that remain in progress.

1. **Deficiency:** CUPA not meeting required UST inspections each year.

**CUPA Corrective Action Update #2:** There have been several tank removals in the last year and a half, many of which have been non-regulated heating oil type tanks. This has taken many hours of our UST inspector's time. This also includes getting several UST's removed that have been inactive and out of compliance for many years, in some cases 15 or more years. We believe our regulated and permitted tank sites total is approximately 127. Our tank inspector was out sick several days near the end of the fiscal year and therefore did not get to the final few sites that needed to be inspected before 6/30/06. Continued follow-up on properly reporting inspections has also remained a priority. If you compare the inspection summary report #3 from 04/05 to 05/06 you will find that the numbers for the UST inspections make much more sense and the 05/06 reporting numbers are more in line with what would be expected.

**Cal/EPA's 2<sup>nd</sup> Response:** Cal/EPA considers this deficiency corrected.

2. **Deficiency:** CUPA UST files lack documentation that indicates violations noted during inspections have been corrected.

**CUPA Corrective Action Update #2:** I believe this has been addressed adequately in our previous responses. The UST inspector uses a number of methods to track the correction of deficiencies noted during inspections. Specific site violations are tracked in the UST file (see copy provided),

while general facility compliance is tracked in our database and on a spread sheet kept at the UST inspector's desk.

**Cal/EPA's 2<sup>nd</sup> Response:** The water board recommends that the CUPA place all UST inspection information in one location (or database). The water board has requested that the CUPA submit the following documents:

- a completed inspection report that has violations
- a screen shot of their database showing how inspection are recorded
- a copy of what is tracked in the file
- a copy of what is tracked at the UST inspector's desk

Please submit the above documents to Cal/EPA by April 5, 2007. If you have questions about the documents requested, contact Marci Christofferson at (916)341-5594.

**Document Request:** Please submit the documents requested by the water board to Cal/EPA.

**CUPA Corrective Action Update #3:** These documents were mailed to Cal-EPA between 3/14/07 & 4/5/07. An e-mail sent to Kareem Taylor on 3/14/07 which had our 2<sup>nd</sup> Corrective Action Update, a copy of our UST inspection report and a copy of our compliance tracking document. This e-mail also stated that a paper copy of the Corrective Action Update(CAU) would be mailed along with copies of amended Summary Reports (#2). The documents requested above should have been included with that mailing, however, Mr. Taylor has indicated that he did not receive the requested forms. These forms are being faxed to Mr. Taylor at 916-319-7847 on 6/25/07.

**Cal/EPA's 3<sup>rd</sup> Response:** Cal/EPA considers this deficiency corrected.

3. **Deficiency:** During the last three years the CUPA has collected 85-90% of the surcharge needed to be collected.

**CUPA Corrective Action:** I have recently discovered that we have not been reporting corrected summary report #2, after collecting additional surcharges for previous reporting years. For example, we have collected \$1,722 in fiscal year 05/06 surcharges since 7/1/06. That means we have collected 97.2% of the billed surcharges for the 05/06 fiscal year. For the 04/05 fiscal year we have collected, since 7/1/05, an additional \$2,154 in surcharges. This makes our total collected 04/05 fiscal year surcharges \$23,697, which is 97.8% of the total billed. Considering the number of businesses that close and from whom fees cannot be collected, I believe

that is a very good percentage. I am mailing revised Summary Report #2 for the 04/05 & 05/06 fiscal years as documentation of what I have just discussed. We will submit revised reports in the future at the end of the fiscal year. Collected surcharges are remitted to the state quarterly.

I believe this should satisfy the deficiency regarding fee collection. Please let me know if you do not agree and please provide your reasoning.

**Cal/EPA's 2<sup>nd</sup> Response:** Cal/EPA has discovered an accounting discrepancy between the CUPA's FY 04/05 Summary Report 2 and the state surcharge accounting records for FY 04/05. The CUPA's FY 04/05 Summary Report 2 shows that the CUPA remitted more surcharge to the state than what the state surcharge tracking form indicates. There should have been an additional \$19,890 in state surcharge on the state record. The CUPA is currently working with Cal/EPA to resolve this problem.

**Cal/EPA's 3<sup>rd</sup> Response:** Cal/EPA considers this deficiency corrected.

4. **Deficiency:** CUPA has not yet obtained Business Plans from all farms and is not conducting inspections of all agricultural handlers.

**CUPA Corrective Action Update #2:** Our office has begun to collect HMBP's from Ag facilities. We will continue visit Ag sites and request HMBP's as we become aware of them. We have been in contact with the Ag Department and have requested that they communicate the HMBP requirement to sites that store reportable quantities of hazardous materials. We will be providing copies of the HMBP FAQ document to the Ag Department to handout to Ag sites and to display at there counter. There has not been a great deal of enthusiasm from the Ag Department regarding involvement in this matter.

**Cal/EPA's 2<sup>nd</sup> Response:** The CUPA's corrective action is a good start in the regulation of its AG handlers; however, there is still a lot more work to be done. On the next status report, please update Cal/EPA on the status of this deficiency.

**CUPA Corrective Action Update #3:** The status of the Farm & Ag facilities is the essentially the same as update #2. We have requested Business Plans from Ag sites when they are found. Since the last update there has been another inspector that is being trained and is completing HMBP & Hazwaste inspections. He is not full time in the Hazmat programs but has been very helpful. It was our hopes that before this update we could have this inspector make the initial efforts to create a list of potential Ag contacts and assist in the follow up that will be needed, but time ran out. We do intend to do this in the next month or two, and fully expect that by the next update we will have this deficiency resolved.

**Cal/EPA's 3<sup>rd</sup> Response:** Cal/EPA and OES appreciates the CUPA's effort to correct this deficiency. On the next status report, please update Cal/EPA on the status of this deficiency.

**CUPA Corrective Action Update #4:** Unfortunately there has been little change to the status of this deficiency. The inspector that had been assigned part time to assist in the Hazmat Business Plan & Hazardous Waste programs has since been assigned other duties. I am awaiting approval from our administration to enter into discussions with the Ag Commissioner regarding having the Ag inspectors carry out the necessary inspections and collect required paperwork from Ag facilities. I have acquired forms used by the Humboldt County CUPA to develop an agreement with their Ag Department, and intend to use them if this type of agreement is approved by our Director and the Ag Commissioner. We have recently lost our underground tank inspector for an undetermined length of time and are currently training another inspector to take over the UST program responsibilities. This has been an unexpected obstacle in our continued effort to resolve this deficiency. I believe once our staffing is back to normal there may be extra time available to devote to this matter. Our hope is that this will be addressed before the end of the year and that our next update will be our last.

**Cal/EPA's 4<sup>th</sup> Response:** The CUPA has had to deal with some unforeseen staff changes. Because of this, the CUPA has been unable to devote the time necessary to correct this deficiency. Please continue to take strides to resolve this deficiency. On the next status report, please update Cal/EPA on the status of this deficiency.

**CUPA Corrective Action Update #5:** As mentioned in our last update we lost our underground tank program manager/inspector. It turns out that he is not returning and another staff member has been assigned to do the UST program. Unfortunately the staff person that was helping with the hazmat inspections, and whom we had intended on having assist with the Ag facility issue, is now covering the workload of the staff person now doing the UST program. In addition, the hazmat program manager/only inspector is now training the new UST inspector and performing a number of UST related duties, including inspections and general program organization. The UST program had not been properly managed by the previous inspector and a lot of work has to be done to get it back on track. Our Division manager has met with the Ag Commissioner briefly about the hazmat program and our need to get compliance from the Ag sites. We have a meeting set up for 1/3/08 with the Ag Commissioner to discuss the matter in greater detail. Our hope is to have the Ag department do this portion of the hazmat program, as we have been informed by our

administration that we will not be hiring someone to fill our vacant spot at this time do to a slowing of permit activity.

**Cal/EPA's 5<sup>th</sup> Response:** Cal/EPA appreciates the issues that arise from losing staff. Your current plan to have the Ag Commissioner inspect the Ag handlers seems like an acceptable solution. On the next status report, include an update on the outcome of the meeting between the CUPA's division manager and the Ag Commissioner.

**CUPA Corrective Action Update #6:** The CUPA Sr. Inspector/Program Manager and Environmental Health Division Manager met with the Ag Commissioner and Deputy Ag Commissioner to discuss the possibility of Ag inspectors performing some level of CUPA inspections at Ag facilities in Shasta County. It was clear that the Commissioner did not want to burden her employees with additional duties, though she didn't say they would not provide some level of assistance. She discussed the HMBP program briefly at a Cattlemen's Association function and provided our informational brochure that we prepared specifically for Ag sites. She also set up a time for us to give a presentation at the Shasta Ag & Livestock Winter meeting which we did on 2/7/08. Our HMBP brochure was provided and HMBP's were made available. We have started receiving completed HMBP's from Ag sites as a result of these meetings and will continue to contact these sites through meetings and mailings and stopping at facilities where we observe materials which we believe require a HMBP. We are still down one inspector and are spending all available time to incorporate the Ag facilities into the CUPA program. We are unclear as to what level of effort on our part is needed to satisfy this deficiency. Please let us know if we are meeting Cal/EPA's expectation in this regard.

**Cal/EPA's 6<sup>th</sup> Response:** As OES has stated below, Cal/EPA is satisfied with the effort that Shasta County has expended to regulating Ag Handlers. This deficiency remains in progress because it has not been determined by the CUPA how many Ag Handlers need to be regulated by the HMBP program. And out of those, how many have business plans and are being regulated. This deficiency will be considered corrected when a majority of Shasta County's Ag handlers with hazardous materials are discovered and regulated. From the updates submitted to date, it does not appear that a majority of Ag handlers with hazardous materials are being regulated. Please refer to OES's responses.

- **OES's Response:** Based on the CUPA's 6th update, the CUPA is starting to receive business plans from Ag handlers. This is impressive progress, given the CUPA's resource needs and the reluctance of the Ag Commissioner's office to add to its own workload. Please continue to address this deficiency as you have outlined in your latest response, and rest assured that Cal-EPA and

OES appreciate the effort you are expending. On the next update, please provide the number of HMBPs received, and your best estimate of the total number of agricultural handlers in Shasta County that might be subject to the Business Plan program.

**CUPA Corrective Action Update #7:** In an attempt to satisfy this deficiency in the manner described by OES, Shasta County EHD has compiled the list of Ag sites based on information provided by the Shasta County Ag Dept. That information shows that there are approximately 132 Ag sites in Shasta County. Notices were sent to these sites requesting information on their storage and handling of hazardous materials. Approximately 43 sites stated that they have reportable amounts of hazardous materials and submitted requested chemical storage and emergency contact information. Approximately 27 stated that they did not store hazardous materials, or stored materials below the reportable amounts. Many notices came back due to addressing issues and sites being closed, and several sites simply did not respond. We now have information on approximately 50 facilities. We continue attempting to contact sites that were on the list, and we have requested a new list from the Ag Dept. Based on the information we have been provided, we believe that the actual number of Ag sites subject to the HMBP requirements is less than 100.

**Cal/EPA's 7<sup>th</sup> Response:** Cal/EPA and OES consider this deficiency corrected. Please refer to OES's response.

- **OES's Response:** Based on the CUPA's 7th update, the CUPA has inventory information from over 50% of the known agricultural handlers in the county subject to the program, and has evaluated another 25-30% and determined them not to be subject to the business plan program. While there is still much work to do, and all of the ag sites in the program are now subject to inspection, OES is satisfied with the CUPA's efforts to date. The deficiency has been corrected.

5. **Deficiency:** Due to substantial increase in the number of regulated businesses the CUPA has not inspected each business plan facility every three years. With the addition of Ag facilities this could make the situation worse.

**CUPA Corrective Action Update #2:** I believe this deficiency has been addressed. Our Summary report for 05/06 shows that we inspected 39% our HMBP facilities. (routine inspections)

**Cal/EPA's 2<sup>nd</sup> Response:** Cal/EPA considers this deficiency corrected.

